

REMARKS

The following remarks are provided in response to the Office Action dated May 19, 2004 in which the Examiner:

- objected to the specification as not including a summary of the invention;
- rejected claims 1, 6, 11-15, and 18 under 35 U.S.C. §102(e) as being anticipated by United States Patent No. 6,295,551 to Roberts et al. (hereinafter Roberts); and
- rejected claims 16 and 17 under 35 U.S.C. §103(a) as being unpatentable over Roberts in view of United States Patent No. 6,167,448 to Hemphill et al. (hereinafter Hemphill).

The applicant respectfully requests reconsideration of the above referenced patent application in view of the amendments and remarks set forth herein, and respectfully requests that the Examiner withdraw all rejections.

Specification

The Examiner objected to the specification for failing to include a summary of the invention. 37 C.F.R. §1.73 recites that “[a] brief summary of the invention . . . **should** precede the detailed description.” (emphasis added). The applicants respectfully assert that “should” is permissive and does not render the summary of the invention mandatory for a complete specification. Accordingly, the applicant respectfully affirms that it was improper for the Examiner to object to the specification.

35 U.S.C. §102(b)

The Examiner rejected claims 1, 6, 11-15, and 18 under §102(e) as being anticipated by Roberts. For at least the foregoing reasons the applicant traverses the Examiner's rejection.

To establish a *prima facie* case of anticipation under §102, the Examiner must supply a single prior art document that alone teaches every element and every limitation of the claim being rejected. If the Examiner cannot show that the single prior art document asserts each and every element and limitation of the applicant's claim, then the Examiner has failed to establish a *prima facie* case of anticipation for that claim. To overcome the Examiner's anticipation rejection, the applicant must only demonstrate that that the cited prior art document fails to teach one element or limitation present in the claim.

Independent claim 1 recites in a salient portion:

. . . a business message sender component coupled to a network interface,
the network interface not being coupled to an always-active listening component . . .
(emphasis added)

Independent claim 6 recites a similar limitation. The Examiner alleges that Roberts column 3, lines 38-50, and column 20, lines 1-25 teaches a business message sender component coupled to a network interface, the network interface not being coupled to an always-active listening component. The applicant respectfully disagrees. Column 3, lines 31-36 introduce that a “. . . link is established between the user computer and the server and a link is established between the server and the second computer.” Lines 38-40 recites that the server selectively transmits “[i]n addition to being part of the link that is

established. . . .” The applicant asserts that the server “selectively transmitting” over a link cannot be expanded to include any detail as to whether or not the user computer was always listening as recited by independent claims 1 and 6. Column 20, lines 1-25 disclose using an HTTP protocol and the CGI / user applet mechanisms to facilitate communication through a firewall and similarly fail to teach not being coupled to an always-active listening component. Accordingly, the applicant respectfully affirms that independent claims 1 and 6 are patentable as each recites at least an element not taught by Roberts.

The Examiner further rejected independent claims 11 and 18 citing Roberts column 3 line 38 bridging column 4 line 25, column 7, and column 20 lines 1-25. Independent claim 11 recites in a salient portion:

. . . receiving a response message with a business message from the second networked computing apparatus in response to the polling message, **the response message further including information indicating whether additional messages are waiting for transfer to the first networked computing apparatus.**
(emphasis added)

Independent claim 18 recites a similar limitation. Column 3, line 51 bridging column 4 line 25 (i.e. the portions of Roberts not discussed with reference to the rejection of claims 1 and 6) further disclose a user computer and a second computer sharing a view, and process by which the user computer of the second computer can manipulate the shared view. In particular, the user computer and second computer exchanges applets with the server to conform the two computers’ views. There is no discussion that an applet, in any way, indicates whether additional messages are waiting for transfer as recited by independent claims 11 and 18. Accordingly, the applicant respectfully affirms that

independent claims 11 and 18 are patentable as each recites at least an element not taught by Roberts.

The applicants finally request that the Examiner allow dependent claims 2-5, 7-10, 12-17, and 19-20 as each depends on a patentable independent claim.

35 U.S.C. §103(a)

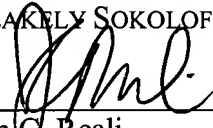
The Examiner rejected claims 16 and 17 under §103(a) as being unpatentable over Roberts in view of Hemphill. The applicant affirms that claims 16 and 17 are patentable as each depends on a patentable independent claim as explained with reference to the §102 rejection.

CONCLUSION

For at least the foregoing reasons, the applicant submit that he has overcome the Examiner's rejections and that he has the right to claim the invention as set forth in the listed claims. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
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Dated